

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:)	Chapter 11
)	
PURDUE PHARMA L.P., <i>et al.</i> , ¹)	Case No. 19-23649 (RDD)
)	
Debtors.)	(Jointly Administered)
)	

**STIPULATION AND AGREED ORDER REGARDING PRODUCTION OF
DOCUMENTS AND PRIVILEGE LOGS CONCERNING NON-PRIVILEGED
HANDWRITTEN NOTES**

The Official Committee of Unsecured Creditors of Purdue Pharma L.P. (the “Official Committee”)² appointed in the above-captioned chapter 11 cases (the “Chapter 11 Cases”) of Purdue Pharma L.P. and certain of its affiliates that are debtors in possession (collectively, the “Debtors”) and the Independent Associated Companies (the “IACs”) defined as the Stipulating IACs in the *Stipulation and Agreed Order Among the Official Committee and the Stipulating IACs Regarding Discovery Deadlines in the Chapter 11 Cases*, dated July 7, 2020 [ECF No. 1346],³ by and through their undersigned counsel, hereby agree, as set forth below in this stipulation and agreed order (the “Agreement”).

¹ The Debtors in these cases, along with the last four digits of each Debtor’s registration number in the applicable jurisdiction, are as follows: Purdue Pharma L.P. (7484), Purdue Pharma Inc. (7486), Purdue Transdermal Technologies L.P. (1868), Purdue Pharma Manufacturing L.P. (3821), Purdue Pharmaceuticals L.P. (0034), Imbrium Therapeutics L.P. (8810), Adlon Therapeutics L.P. (6745), Greenfield BioVentures L.P. (6150), Seven Seas Hill Corp. (4591), Ophir Green Corp. (4594), Purdue Pharma of Puerto Rico (3925), Avrio Health L.P. (4140), Purdue Pharmaceutical Products L.P. (3902), Purdue Neuroscience Company (4712), Nayatt Cove Lifescience Inc. (7805), Button Land L.P. (7502), Rhodes Associates L.P. (N/A), Paul Land Inc. (7425), Quidnick Land L.P. (7584), Rhodes Pharmaceuticals L.P. (6166), Rhodes Technologies (7143), UDF L.P. (0495), SVC Pharma L.P. (5717) and SVC Pharma Inc. (4014). The Debtors’ corporate headquarters is located at One Stamford Forum, 201 Tresser Boulevard, Stamford, CT 06901.

² Capitalized terms used and not otherwise defined herein shall have the meanings ascribed to such terms in the *Stipulation and Agreed Order Among the Official Committee and the Stipulating IACs Regarding Discovery Deadlines in the Chapter 11 Cases*, dated July 7, 2020 [ECF No. 1346].

³ The Stipulating IACs and the Official Committee are each referred to herein as a “Party” and, collectively, as the “Parties.”

Recitals

A. On July 6, 2020, the Official Committee served a request for production of documents on the IACs (the “Document Requests”).

B. On June 22, 2020, the Official Committee and the Stipulating IACs executed a *Stipulation and Agreed Order Among the Official Committee and the Stipulating IACs Regarding Discovery Deadlines in the Chapter 11 Cases*, which was so ordered by the Court on July 7, 2020 (the “First Discovery Stipulation”) [ECF Nos. 1295, 1346] pertaining to various discovery issues. Pursuant to the First Discovery Stipulation, on July 22, 2020, the Official Committee and the Stipulating IACs executed a *Second Stipulation and Agreed Order Among the Official Committee and the Stipulating IACs Regarding Discovery Deadlines in the Chapter 11 Cases*, which was so ordered by the Court on July 24, 2020 (the “Second Discovery Stipulation”) [ECF Nos. 1490, 1518].

C. During the course of discovery in the Chapter 11 Cases, Norton Rose Fulbright (“NRF”) identified certain handwritten notes taken by NRF attorneys during and in connection with board and other meetings and events pertaining to the Debtors, the Sacklers, and/or one or more of the IACs that are responsive to requests served by the Official Committee on those parties (the “Handwritten Notes”). It is the Official Committee’s understanding that the Debtors and the Sacklers have produced, or withheld for privilege and marked as privileged, all Handwritten Notes to the extent pertaining to the Debtors or the Sacklers, respectively, and delivered all other Handwritten Notes (the “Remaining Notes”) to the Stipulating IACs for their review. Haug Partners, counsel to other entities directly or indirectly owned by the Sacklers, sometimes referred to in this matter as the Other Two Way Entities, is also reviewing the Remaining Notes simultaneously with the Stipulating IACs, and the Other Two Way Entities’ production will be included in the Stipulating IACs’ production. The Stipulating IACs advised the Official

Committee that they believed they could produce all Remaining Notes (except those withheld on privilege or related grounds) during the week of March 15, 2021.

D. On February 18, 2021, the Official Committee submitted a letter to the Court requesting that the Court enter an order requiring that the Stipulating IACs produce to the Official Committee all non-privileged portions of the Remaining Notes and a privilege log “by a date certain,” which the Official Committee contended should “be no later than February 28, 2021.”

E. On February 19, 2021, counsel for the Stipulating IACs wrote the Court in response to the Official Committee’s letter, explaining that they and Haug Partners were reviewing the Remaining Notes, would be producing non-privileged materials on a rolling basis, and “believe[d]” that “they would be able to complete the production to the UCC during the week of March 15, 2021.”

F. On February 22, 2021, the Court responded to the Parties’ letters by email, stating that its “inclination after having reviewed Mr. Hurley and Mr. [Skapof’s] letters, and wanting the parties to focus their energies primarily on concluding plan negotiations, is to set a March 15 deadline for the IACs’ production of this materials.” The Parties desire to enter into a stipulation consistent with the Court’s email.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Stipulating IACs shall produce to the Official Committee, on a rolling basis to be complete by March 15, 2021, all Remaining Notes, with the exception of those have been withheld or redacted on the basis of purported privilege or any other claimed immunity from disclosure, in accordance with the Third Amended Protective Order entered in the Chapter 11

Cases (the “Third Amended Protective Order”) [ECF No. 1935], Federal Rule of Bankruptcy Procedure 7026, and/or S.D.N.Y. Local B.R. 7034-1.

2. On or before March 22, 2021, the IACs will supply the Official Committee with a privilege log that identifies all portions of the Remaining Notes that have been withheld or redacted by the Stipulating IACs or the Other Two Way Entities on the basis of purported privilege or any other claimed immunity from disclosure, in accordance with the Third Amended Protective Order, Federal Rule of Bankruptcy Procedure 7026, and/or S.D.N.Y. Local B.R. 7034-1.

3. The Parties may agree to modify any deadline in this Stipulation without further order of the Court provided they do so in writing, which may take the form of an email.

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STIPULATED AND AGREED:

Dated: March 10, 2021
New York, New York

/s/Mitchell Hurley
AKIN GUMP STRAUSS HAUER
& FELD LLP
Ira Dizengoff
Arik Preis
Mitchell Hurley
Joseph L. Sorkin
Sara L. Brauner
One Bryant Park
Bank of America Tower
New York, New York 10036
Telephone: (212) 872-1000

*Counsel to the Official Committee of
Unsecured Creditors*

/s/ Marc E. Hirschfield
ROYER COOPER COHEN
BRAUNFELD LLC
Marc E. Hirschfield
Marc Skapof
1120 Avenue of the Americas, 4th FL
New York, NY 10036
Telephone: (212) 994-0451

Counsel to the IACs

SO ORDERED.

Dated: March 11, 2021
White Plains, New York

/s/Robert D. Drain
THE HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE